

106TH CONGRESS  
1ST SESSION

# S. 1634

To amend the Internal Revenue Code of 1986 to allow a credit for residential solar energy property.

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IN THE SENATE OF THE UNITED STATES

SEPTEMBER 24, 1999

Mr. ALLARD introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To amend the Internal Revenue Code of 1986 to allow a credit for residential solar energy property.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Residential Solar En-  
5 ergy Tax Credit Act”.

6 **SEC. 2. CREDIT FOR RESIDENTIAL SOLAR ENERGY PROP-**  
7 **ERTY.**

8 (a) IN GENERAL.—Subpart A of part IV of sub-  
9 chapter A of chapter 1 of the Internal Revenue Code of  
10 1986 (relating to nonrefundable personal credits) is

1 amended by inserting after section 25A the following new  
2 section:

3 **“SEC. 25B. RESIDENTIAL SOLAR ENERGY PROPERTY.**

4 “(a) ALLOWANCE OF CREDIT.—In the case of an in-  
5 dividual, there shall be allowed as a credit against the tax  
6 imposed by this chapter for the taxable year an amount  
7 equal to the sum of—

8 “(1) 15 percent of the qualified photovoltaic  
9 property expenditures made by the taxpayer during  
10 such year, and

11 “(2) 15 percent of the qualified solar water  
12 heating property expenditures made by the taxpayer  
13 during the taxable year.

14 “(b) LIMITATIONS.—

15 “(1) MAXIMUM CREDIT.—The credit allowed  
16 under subsection (a)(2) shall not exceed \$2,000 for  
17 each system of solar energy property.

18 “(2) TYPE OF PROPERTY.—No expenditure may  
19 be taken into account under this section unless such  
20 expenditure is made by the taxpayer for property in-  
21 stalled on or in connection with a dwelling unit  
22 which is located in the United States and which is  
23 used as a residence.

1           “(3) SAFETY CERTIFICATIONS.—No credit shall  
 2           be allowed under this section for an item of property  
 3           unless—

4                   “(A) in the case of solar water heating  
 5                   equipment, such equipment is certified for per-  
 6                   formance and safety by the non-profit Solar  
 7                   Rating Certification Corporation or a com-  
 8                   parable entity endorsed by the government of  
 9                   the State in which such property is installed,  
 10                  and

11                   “(B) in the case of a photovoltaic system,  
 12                   such system meets appropriate fire and electric  
 13                   code requirements.

14           “(c) DEFINITIONS.—For purposes of this section—

15                   “(1) QUALIFIED SOLAR WATER HEATING PROP-  
 16                   ERTY EXPENDITURE.—The term ‘qualified solar  
 17                   water heating property expenditure’ means an ex-  
 18                   penditure for property that uses solar energy to heat  
 19                   water for use in a dwelling unit with respect to  
 20                   which a majority of the energy is derived from the  
 21                   sun.

22                   “(2) QUALIFIED PHOTOVOLTAIC PROPERTY EX-  
 23                   PENDITURE.—The term ‘qualified photovoltaic prop-  
 24                   erty expenditure’ means an expenditure for property

1       that uses solar energy to generate electricity for use  
2       in a dwelling unit.

3               “(3) SOLAR PANELS.—No expenditure relating  
4       to a solar panel or other property installed as a roof  
5       (or portion thereof) shall fail to be treated as prop-  
6       erty described in paragraph (1) or (2) solely because  
7       it constitutes a structural component of the struc-  
8       ture on which it is installed.

9               “(4) LABOR COSTS.—Expenditures for labor  
10       costs properly allocable to the onsite preparation, as-  
11       sembly, or original installation of the property de-  
12       scribed in paragraph (1) or (2) and for piping or  
13       wiring to interconnect such property to the dwelling  
14       unit shall be taken into account for purposes of this  
15       section.

16              “(5) SWIMMING POOLS, ETC., USED AS STOR-  
17       AGE MEDIUM.—Expenditures which are properly al-  
18       locable to a swimming pool, hot tub, or any other  
19       energy storage medium which has a function other  
20       than the function of such storage shall not be taken  
21       into account for purposes of this section.

22              “(d) SPECIAL RULES.—For purposes of this  
23       section—

24                   “(1) DOLLAR AMOUNTS IN CASE OF JOINT OC-  
25       CUPANCY.—In the case of any dwelling unit which is

1 jointly occupied and used during any calendar year  
2 as a residence by 2 or more individuals the following  
3 shall apply:

4 “(A) The amount of the credit allowable  
5 under subsection (a) by reason of expenditures  
6 (as the case may be) made during such cal-  
7 endar year by any of such individuals with re-  
8 spect to such dwelling unit shall be determined  
9 by treating all of such individuals as 1 taxpayer  
10 whose taxable year is such calendar year.

11 “(B) There shall be allowable with respect  
12 to such expenditures to each of such individ-  
13 uals, a credit under subsection (a) for the tax-  
14 able year in which such calendar year ends in  
15 an amount which bears the same ratio to the  
16 amount determined under subparagraph (A) as  
17 the amount of such expenditures made by such  
18 individual during such calendar year bears to  
19 the aggregate of such expenditures made by all  
20 of such individuals during such calendar year.

21 “(2) TENANT-STOCKHOLDER IN COOPERATIVE  
22 HOUSING CORPORATION.—In the case of an indi-  
23 vidual who is a tenant-stockholder (as defined in sec-  
24 tion 216) in a cooperative housing corporation (as  
25 defined in such section), such individual shall be

1 treated as having made his tenant-stockholder's pro-  
 2 portionate share (as defined in section 216(b)(3)) of  
 3 any expenditures of such corporation.

4 “(3) CONDOMINIUMS.—

5 “(A) IN GENERAL.—In the case of an indi-  
 6 vidual who is a member of a condominium man-  
 7 agement association with respect to a condo-  
 8 minium which he owns, such individual shall be  
 9 treated as having made his proportionate share  
 10 of any expenditures of such association.

11 “(B) CONDOMINIUM MANAGEMENT ASSO-  
 12 CIATION.—For purposes of this paragraph, the  
 13 term ‘condominium management association’  
 14 means an organization which meets the require-  
 15 ments of paragraph (1) of section 528(c) (other  
 16 than subparagraph (E) thereof) with respect to  
 17 a condominium project substantially all of the  
 18 units of which are used as residences.

19 “(4) JOINT OWNERSHIP OF ITEMS OF SOLAR  
 20 ENERGY PROPERTY.—

21 “(A) IN GENERAL.—Any expenditure oth-  
 22 erwise qualifying as an expenditure described in  
 23 paragraph (1) or (2) of subsection (c) shall not  
 24 be treated as failing to so qualify merely be-

1           cause such expenditure was made with respect  
2           to 2 or more dwelling units.

3           “(B) LIMITS APPLIED SEPARATELY.—In  
4           the case of any expenditure described in sub-  
5           paragraph (A), the amount of the credit allow-  
6           able under subsection (a) shall (subject to para-  
7           graph (1)) be computed separately with respect  
8           to the amount of the expenditure made for each  
9           dwelling unit.

10          “(5) ALLOCATION IN CERTAIN CASES.—If less  
11          than 80 percent of the use of an item is for nonbusi-  
12          ness residential purposes, only that portion of the  
13          expenditures for such item which is properly allo-  
14          cable to use for nonbusiness residential purposes  
15          shall be taken into account. For purposes of this  
16          paragraph, use for a swimming pool shall be treated  
17          as use which is not for residential purposes.

18          “(6) WHEN EXPENDITURE MADE; AMOUNT OF  
19          EXPENDITURE.—

20          “(A) IN GENERAL.—Except as provided in  
21          subparagraph (B), an expenditure with respect  
22          to an item shall be treated as made when the  
23          original installation of the item is completed.

24          “(B) EXPENDITURES PART OF BUILDING  
25          CONSTRUCTION.—In the case of an expenditure

1 in connection with the construction or recon-  
 2 struction of a structure, such expenditure shall  
 3 be treated as made when the original use of the  
 4 constructed or reconstructed structure by the  
 5 taxpayer begins.

6 “(C) AMOUNT.—The amount of any ex-  
 7 penditure shall be the cost thereof.

8 “(e) BASIS ADJUSTMENTS.—For purposes of this  
 9 subtitle, if a credit is allowed under this section for any  
 10 expenditure with respect to any property, the increase in  
 11 the basis of such property which would (but for this sub-  
 12 section) result from such expenditure shall be reduced by  
 13 the amount of the credit so allowed.”.

14 (b) CONFORMING AMENDMENTS.—

15 (1) Subsection (a) of section 1016 of such Code  
 16 is amended by striking “and” at the end of para-  
 17 graph (26), by striking the period at the end of  
 18 paragraph (27) and inserting “; and”, and by add-  
 19 ing at the end the following new paragraph:

20 “(28) to the extent provided in section 25B(e),  
 21 in the case of amounts with respect to which a credit  
 22 has been allowed under section 25B.”.

23 (2) The table of sections for subpart A of part  
 24 IV of subchapter A of chapter 1 of such Code is



1       amended by inserting after the item relating to sec-  
2       tion 25A the following new item:

          “Sec. 25B. Residential solar energy property.”.

3       (c) EFFECTIVE DATE.—The amendments made by  
4       this section shall apply to taxable years ending after De-  
5       cember 31, 1999.

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